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## Use of the Time System

### 347.1 POLICY

The rapid and efficient exchange of information between law enforcement agencies has long been recognized as one of the major necessary elements of crime control and apprehension. The Transaction Information for the Management of Enforcement (TIME) system provides a central system for the collection and dissemination of information of mutual concern to law enforcement agencies. Portions of information from the TIME System are maintained solely for reasons of officer safety.

In addition to rapid and efficient exchange of information, it is also essential that the information exchanged be accurate and complete. The TIME System is a central repository for information submitted by its contributors, who are responsible for the information entered, updated and cancelled. Each agency providing access to its files is solely responsible for the information contained therein.

The TIME System provides an efficient and expeditious means by which the procurement, exchange and transmission of information with law enforcement agencies state and nationwide is accomplished. The system also provides an effective method of administrative communication for law enforcement purposes. The TIME System is interfaced with numerous local, state and national agencies, departments and data services. It is of vital importance that regulations pertaining to its use be complied with to ensure individual rights are not violated and to minimize issues of liability. Data service agencies have agreed to make information available to law enforcement and criminal justice over the TIME System for the specific purpose of facilitating the administration of criminal justice. Any misuse of this information or violations of these understandings jeopardizes the availability of information for all participating agencies.

Department users must also remember that data obtained from the TIME System may not be the property of the inquiring agency to release or disseminate to non-law enforcement agencies or personnel. Strict controls must be in place to ensure that improper or even unlawful release of information does not occur.

As a subscriber/user of the TIME System, the Hudson Police Department has agreed to utilize the system for official purposes only.

### 347.2 PROBABLE CAUSE

A TIME System hit alone is NOT probable cause to arrest. A TIME System hit furnishes the inquirer the fact that a stolen report, missing person report or warrant has been filed and also provides the date of theft, date missing or date of warrant, which are matters to be considered by the receiving officer in arriving at an arrest decision. A hit is one fact that must be added to other facts by the officer in arriving at sufficient legal grounds for probable cause to arrest.

Correct procedure demands that the agency which placed the record in the file be contacted by the inquiring agency to confirm that the data is accurate and up to date. In some circumstances the hit confirmed with the originating agency may be the major fact, and indeed, may be the only

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fact necessary; for instance when a hit on a stolen car or other stolen property is made in a time frame very close to the time of the actual theft or when a hit indicates that a car was recently used in a bank robbery or is in the possession of fugitives.

As the time period increases, the significance of the hit decreases. Thus, a hit on a record a year or two years after the car had been stolen would in itself be inadequate probable cause for an arrest since it would be possible, or even probable, that the vehicle was then in the possession of an innocent purchaser, rather than the thief. To make an arrest under the latter circumstances would require that the officer not only have the fact of the hit but also additional facts adding up to probable cause. A hit confirmed with the originating agency may be adequate grounds to recover stolen property, return a missing person, or arrest a fugitive.

#### **347.3 TIME AGENCY COORDINATOR**

The Hudson Police Department will designate a department member to serve as TIME Agency Coordinator (TAC). The TAC will be responsible for coordinating training of the functions of the terminal, ensuring compliance with National Crime Information Center (NCIC) and Crime Information Bureau (CIB) policy and regulations including validation and other requirements, and format training in conjunction with CIB certification, recertification and specialized training classes.

The TAC will attend CIB TIME System TAC training within one year of appointment as TAC.

#### **347.4 SECURITY**

The department is responsible for allowing only authorized personnel to operate the TIME terminal and enforce system and data security. As part of this responsibility, the department is responsible for ensuring that the terminal is used to send authorized and official messages only. Any violation of this TIME System policy or misuse of information obtained from the TIME System will subject personnel to any and/or all departmental disciplinary procedures. Any department member who witnesses or has knowledge of a violation of TIME System access or other sections of this policy is required to report this violation to a supervisor.

##### **347.4.1 PHYSICAL SECURITY**

###### **Viewing**

The computer site(s) and/or terminal areas must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data. Such sites include locations housing mobile data terminals or personnel/laptop computers capable of accessing any TIME System information. The public should not be able to view the screen of any device displaying TIME System information, or paper copies/printouts of such information. Operators of computers with access to the TIME System in unsecured locations must take appropriate precautions to protect the visibility of the TIME System from unauthorized persons. If a computer connected to the TIME System is to be left unattended for long periods, users should log off the system.

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#### **Visitors**

Visitors to computer areas and/or terminal areas must be accompanied by authorized personnel at all times. Visitors to secure areas must receive prior authorization from the officer in charge before admittance.

#### **347.4.2 PERSONNEL SECURITY**

##### **Background screening**

Thorough background screening by the employing agency of personnel is required. State and national criminal history records checks by fingerprint identification must be conducted for operators, programmers, and other persons employed or utilized to effectuate access to or initiate transmission of TIME System information. This includes operational employees, support, contract, and vendor personnel who have access to terminal equipment capable of initiating TIME System transactions, who have system-level logon privileges to servers and network equipment carrying TIME System messages, or have generalized login privileges to the TIME System from any computer equipment. State and nationwide wanted person files must also be checked. Good management practices dictate that record checks should be completed prior to employment or assignment to a terminal with TIME System access.

The employing agency must complete and submit both a CIB (green) and FBI applicant (blue) fingerprint card to CIB. Purpose code J-NCIC Security Policy should be used in the 'charge' or 'reason fingerprinted' blocks of the fingerprint cards. NOTE: Sworn personnel who have been fingerprinted and certified by the Wisconsin Law Enforcement Standards Board already meet this requirement.

If a criminal record or a wanted person record is found, the employing agency must delay granting TIME access until the matter is reviewed. When identification of the applicant or employee has been established by fingerprint comparison and he/she appears to be a wanted person or to have an arrest history for a felony or serious misdemeanor, the matter will be referred to the agency head or designee for review and determination. If desired, agency administrators may forward questionable situations to the director of CIB for review. No person with a prior conviction for a felony offense is authorized to use, support or maintain the TIME System.

If a determination is made that TIME System access by the applicant/employee would not be in the public interest, such access will be denied. NOTE: A denial of TIME System access may not be sufficient grounds for denial of employment. Agencies must consider the provisions of state and federal laws relating to employment discrimination.

Background reinvestigations will be completed every five years as good business practice.

#### **User identification/authentication**

Each individual who is authorized to access the TIME System shall be uniquely identified. This will be by use of a unique log on name and password, or by whatever means specified by CIB/NCIC.

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Individual passwords must be guarded against unauthorized use, and changed regularly. If an individual leaves employment with this agency, their password will be removed from the system.

A FBI authorized originating agency identifier (ORI) assigned to this agency shall be used in each transaction.

#### 347.4.3 DATA SECURITY

Data stored in central repositories such as CIB and NCIC files must be protected from unauthorized access and access is restricted to authorized agencies. Data stored in the databases of participating data service agencies are documented justice records or administrative records containing sensitive personal information. These records must be protected to ensure correct, legal and efficient dissemination and use. Each data service has its own rules for secondary dissemination of records.

Information accessed via the TIME System shall be used only for the purpose for which the request was made. Access is subject to cancellation if information is improperly disseminated. The TIME System will not be used to obtain data for personal reasons. The selling of information obtained from the TIME System is strictly prohibited, and illegal.

This agency accesses TIME System files, but is not the custodian of the records contained in those files. Any public access request for release of those records should be made to the custodian of those records, i.e., the Department of Transportation (DOT), CIB, etc. This department will release data obtained via the TIME System only to those law enforcement/criminal justice agencies with which this department has a signed agreement detailing dissemination of that information and immediate notification of updated information.

#### **Department of Transportation records**

The Wisconsin DOT is the custodial agency for vehicle and driver's record information obtained via the TIME System, and dissemination of information is the responsibility of the custodial agency.

DOT provides access to this information via the TIME System for the use of law enforcement/criminal justice agencies only. The federal Driver Privacy Protection Act (18 USC s. 2721) permits use of personal information from state motor vehicle records or use by any government agency, including any court or law enforcement agency, in carrying out its functions, along with other permitted uses for such information. However, such information may only be redisclosed or disseminated for a use permitted under the act. If any agency rediscloses such information, the agency must maintain dissemination log for five years identifying each person or entity that receives the information and the stated use permitted under the law. As such, this department will not redisclose DOT information to a non-law enforcement/criminal justice agency. While state or federal laws may provide for other uses of this information, only DOT may establish a waiver to this prescribed law enforcement/criminal justice use and access. The willful, unauthorized disclosure of information obtained from these records for a purpose other than stated, or the sale or other

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distribution of the information to a person or organization not disclosed in the request may result in penalties imposed under Title 18 U.S.C. Section 2724.

#### Vehicle registration files

This department will advise any person that public requests for registration information can be obtained by completing the appropriate form, paying the appropriate fees, enclosing a self addressed stamped envelope and contacting:

Vehicle Records Section

Wisconsin Department of Transportation

PO BOX 7911

Madison, WI 53707-7911

Further information and forms are also available on the DOT website. The same guidelines used for vehicle registration apply to other registration information available on the TIME System such as boats, snowmobiles, etc. This department is not the custodian of those records and therefore will not release those records to the public. Likewise, information as to whether or not the vehicle or other items queried through the TIME System is wanted or stolen will not be released to the public, however the information may be broadcast for the purpose of apprehension/identification or officer safety reasons.

#### Driver's license files

This department will advise any person that public requests for driver's license information can be obtained by completing the appropriate form, paying the appropriate fees, enclosing a self addressed stamped envelope and contacting:

Driver Record Section

Wisconsin Department of Transportation

PO BOX 7995

Madison, WI 53707-7995

Further information and forms are also available on the DOT website. Warrant/wanted or missing status shall not be released to the public, however may be broadcast for the purpose of apprehension/identification or officer safety reasons.

#### Juvenile record information

Wisconsin statutes state DOT shall not disclose juvenile records concerning or related to certain violations to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, the minor who committed the violation or their parent/guardian. This information is present on driver record checks made by law enforcement/criminal justice agencies via the TIME System. It is necessary that it not be divulged to anyone other than those listed above, and is for the internal use of such agencies only. These entries will

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be listed as 'confidential.' These entries include but are not limited to juvenile alcohol violations and failure to pay juvenile forfeiture violations. Confidential entries should not be released or broadcast on an open radio frequency, unless, for some reason, there is an entry that involves officer safety.

#### Criminal history record information

Criminal history record information (CHRI) means information collected by criminal justice agencies on individuals, consisting of identifiable descriptions and notations of arrests, detentions, indictments, information or other formal criminal charges and disposition arising therefrom, sentencing, correctional supervision and release.

CHRI must be afforded strict privacy consideration by law enforcement/criminal justice agencies.

Requests for CHRI must be submitted in the proper format specified by CIB/NCIC. This format requires that each request for CHRI utilize the proper purpose code/s and identification of the specific individual requesting/receiving the CHRI. This ensures prohibited information is not released to unauthorized persons. CHRI requests are subject to audit and therefore must be able to be tracked within the department as to final destination and reason for the request.

Individuals wishing a copy of their record from CIB or the FBI, or other public requests for CHRI will be directed to either CIB or the FBI, as appropriate. Persons requesting Wisconsin CHRI may receive Wisconsin adult criminal history record information under the provisions of the Wisconsin open records law. Information can be obtained by completing the appropriate form, paying the appropriate fees, enclosing a self addressed stamped envelope and contacting:

Wisconsin Department of Justice

Crime Information Bureau

Record Check Unit

PO BOX 2688

Madison, WI 53701-2688

Further information and forms are also available on the DOJ website. The Department also provides for online access to this information, and public requestors may also be directed to the website at [www.doj.state.wi.us/dles/cib](http://www.doj.state.wi.us/dles/cib).

III shall not be used to access a record to be reviewed and/or challenged by the subject of the record. If an individual has a criminal record maintained by the FBI and the record has been entered into III, it is available for review through the FBI, upon presentation of the appropriate fee and identification (which includes a set of rolled fingerprint impressions, name, date and place of birth). A written request must be submitted to:

FBI-CJIS Division

ATTN: SCU Module D-2

1000 Custer Hollow RD

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Clarksburg, WV 26306-0171

#### Attention line

Requests for CHRI must be submitted in the proper format specified by CIB/NCIC. This format requires that each request for CHRI identify the specific individual receiving the CHRI information.

To meet this criterion, all department requests for CHRI shall contain in the attention line, at a minimum, the name or employee number of the subject requesting the CHRI information. If space permits, the attention line should also include either a case number or text providing the reason for the inquiry.

#### Purpose codes

Requests for CHRI must be submitted in the proper format specified by CIB/NCIC. This format requires that each request for CHRI utilize the proper purpose code/s. Authorized purpose codes include the following:

#### Purpose code C

Criminal justice/law enforcement purposes. Purpose code C is accepted by CIB and the Interstate Identification Index (III). Adult and juvenile records will be supplied. This code is used for official duties in connection with the administration of justice. This includes detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of accused persons or criminal offenders. A criminal history record check may also be made using purpose code C for the purposes of the security of a criminal justice facility. This may include checks on vendors, contractors, or volunteers at the criminal justice agencies not involved in the administration of criminal justice. Confinement facility visitors and inmate mailing lists also meet this criterion.

#### Purpose code J

Criminal justice/law enforcement employee applicants. Purpose code J is accepted by CIB and III. Adult and juvenile records will be supplied.

#### Purpose code D

Civil cases for domestic violence and stalking. Purpose code D is accepted by CIB and III. CIB will return only adult records. III will return information that has not been sealed by the contributing state. This code is used by law enforcement agencies providing a record to a criminal or civil court for a domestic violence hearing. This purpose code is for court use only. Typically law enforcement agencies investigating domestic violence incidents access CHRI using purpose code C.

#### Purpose code H

Public housing applicants. Purpose code H is accepted by CIB and III. CIB will return only adult records. III will return an identification response only. Purpose code H is used to check the suitability of applicants for public housing under the authority of the Housing Opportunity Extension Act of 1996. If a complete record is requested the Public Housing Authority must submit

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a fingerprint card to the Federal Bureau of Investigation (FBI). There is a fee associated with a CHRI request made using this purpose code.

#### Purpose code F

Return of firearms to a lawful owner. Purpose code F is accepted by CIB and III. Both adult and juvenile records will be returned. Purpose code F is to be used by criminal justice agencies in possession of firearms that have been stolen, confiscated or used in suicides who are concerned that in returning such firearms to their lawful owner(s) the agency may be providing firearms to persons who are prohibited by federal or state law from possession of firearms. This code may also be used in cases where the firearm is pawned.

#### Purpose code E

Other authorized employment or licensing purposes. Purpose code E is accepted by CIB only. III does not accept this purpose code, and no other purpose code may be used when requesting CHRI for purpose of licensing/non-criminal justice employment. No other legitimate purpose code may be used to bypass the built in safeguards preventing the use of III information for licensing.

Only adult records will be returned. Authorized means that the criminal history inquiry is required by state statutes, local ordinance or federal regulation. There is a fee associated with a CHRI request made using this purpose code.

#### Secondary dissemination

This agency accesses CHRI, but is not the custodian of the records contained in those files. This department will release data obtained via the TIME System only to those law enforcement/criminal justice agencies with which this department has a signed agreement detailing dissemination of that information an immediate notification of updated information. If CHRI is released to another authorized user of such information, and that user was not specifically identified in the attention line of the CHRI request, the department will log such dissemination. This log will include a notation of what information was disseminated, whom the information was disseminated to, and the date of the dissemination. This log shall be maintained for a minimum of one year, and will be made available for review by NCIC/CIB auditors upon request.

#### Storage of CHRI information

CHRI records obtained by a law enforcement/criminal justice agency via the TIME system become a local agency record and may be subject to release under the Wisconsin open record law. These records may not necessarily be up to date and accurate when the request for information from the case file is made, therefore CHRI records will not be maintained in case files. Identifiers obtained from CHRI may be maintained in the file, but the actual criminal record will be disposed of once the case has been forwarded to the prosecuting attorney, or if not forwarded, when the case is closed or no longer actively under investigation.

#### Disposal

All TIME System records must be disposed of in a secure manner so as to thoroughly destroy all elements of the records and preclude unauthorized viewing, access, or use. This may



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be accomplished by shredding, incineration, or other similar manner. If destruction of TIME System records is accomplished through the use of a non law-enforcement/criminal justice vendor, criminal justice personnel must either directly supervise such destruction, or fingerprint based background checks must be completed on vendor personnel having access to TIME System information.

#### **347.5 TRAINING**

Trained personnel are more effective and efficient in the performance of their assigned TIME System responsibilities. In addition, having untrained personnel may subject an agency to potential liabilities. As a TIME System user, this agency has agreed to participate in a system of TIME System operator training and recertification.

##### **347.5.1 INITIAL TRAINING**

Each individual using the TIME System or information received therefrom will be trained in the operation of equipment, system policies and procedures. This includes field and office personnel that use the system only to relieve terminal operators. The level of training will be based on system use. Initial training will occur within six months of employment or assignment to a position with TIME System access privileges. This training will include a test to affirm the operator's proficiency and knowledge of data services connected to the TIME System. Prior to this initial training, all TIME terminal users shall read/complete the new operator training.

##### **347.5.2 RECERTIFICATION**

All TIME System users will be retested biennially to reaffirm operating proficiency. Recertification must be accomplished by the operator's anniversary date. All operators shall maintain their certification, and employees without valid certification will not be allowed to work as a TIME System operator. All personnel who access the TIME System will keep up-to-date on any TIME System changes by reading the TIME System newsletters published by CIB.

#### **347.6 DATA FILE ENTRIES**

As a user/participant in the TIME System, this agency is provided the opportunity to make entries into various statewide and nationwide databases listing wanted persons, missing persons, stolen property, etc. Other law enforcement/criminal justice personnel throughout the state and country view information entered by this agency into such files. Entries to these files must be accurate, complete, and valid/up-to-date. To meet these goals this agency adopts the following guidelines for data entry.

##### **347.6.1 WHEN TO MAKE A DATA FILE ENTRY**

To ensure maximum system effectiveness, entry into the data files should be made immediately upon receipt of required documentation and minimum data required for entry, not to exceed three days of receipt of information. The only exceptions to immediate entry are when otherwise prescribed by law. Although data entries may be made with minimum data, it is the policy of this department to enter as much information as is available. If data becomes available at a later date, the record may be updated to include the new information.

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Inquires should be made to the TIME System DOT files, CHRI files, Department of Natural Resources files, etc., the department's in-house computer system and any other existing records to obtain all the data available. Any new information should be retained with the original case file to show where the identifiers/new information was obtained. Any information that cannot be verified will not be included in the data entry.

#### 347.6.2 QUALITY CONTROL

In an effort to make sure data file entries do not contain errors, it is the policy of this department to have the data file entry checked by another department member. The member verifying the accuracy of the data should initial the entry. All updates to entries (modification, supplement) are also subject to this second party check procedure.

#### 347.6.3 DOCUMENTATION REQUIRED FOR ENTRY

Entry of data in the TIME System can only be accomplished if the entering agency has proper documentation in its possession. Each piece of information must be supported by documentation, and this documentation must be available for review by CIB/NCIC auditors. Case files will be available 24 hours a day and all operators will know and have access to where the case record can be located. If the case file is removed from where it is routinely stored it will be replaced with an insert card to note when the file was removed, who removed it, and where it can be found.

Examples of suitable documentation for the various files are listed in the following sections. The list of examples is not all-inclusive, but merely a reference.

#### **Warrant/Wanted Person File**

Must possess a court issued warrant or have an investigative report sufficient to obtain a warrant and show that because of extenuating circumstances we have been unable to obtain the warrant.

Entries into this file are based upon the following warrant categories, with the actual offense specified in the entry.

##### Categories:

##### Felony

This category is used when the charge is a violation of state law that calls for a penalty of imprisonment in state prison (ss 939.60). The warrant can be entered into CIB only or CIB and NCIC.

##### Temporary Felony

This category is used when law enforcement needs to take prompt action to apprehend a person who is alleged to having committed a felony. The individual may seek refuge by fleeing across jurisdictional boundaries while circumstances prevent the immediate acquisition of a warrant.

A warrant for the arrest of the individual must be obtained as soon as possible. This entry requires knowledge by law enforcement that a felony was committed and who the person was that committed the felony but no warrant has been issued yet. This record can be entered and will

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remain on the files for 48 hours and then will be automatically purged. The want can be entered into CIB only or CIB and NCIC.

#### Non-Felony State Law Violation

This category is used for entries that are misdemeanors, traffic warrants, etc when the charge is based on a violation of state statute that is punishable by fine and/or time in county jail for a period of less than one year. The warrant can be entered into CIB only or CIB and NCIC. Note: To enter in both CIB and NCIC you must use the Felony warrant transaction and state in the Remarks Field, "Non-Felony Warrant".

#### Temporary Misdemeanor

This category is used when law enforcement needs to take prompt action to apprehend a person who is alleged to having committed a misdemeanor. The individual may seek refuge by fleeing across jurisdictional boundaries while circumstances prevent the immediate acquisition of a warrant. A warrant for the arrest of the individual must be obtained as soon as possible. This category requires knowledge by law enforcement that a misdemeanor was committed and who the person was that committed the misdemeanor but no warrant has been issued yet. This record can be entered and will remain on the files for 72 hours and then will be automatically purged.

The want can be entered into CIB only.

#### Civil Process Local Ordinance Violation

This is a violation of ordinance. An ordinance is defined as a regulation adopted by the governing body of a city, town or county. Because an ordinance violation is a civil violation and not a crime, restrictions on service can be applied against an ordinance violation warrant. The restriction to how far the Police Agency will travel to serve the warrant is allowed on an ordinance or civil process violation. The warrant can be entered into CIB only.

#### Civil Process Non-Criminal State Law Violation

This is a violation of state law or statute but the penalty calls for a forfeiture instead of a fine or imprisonment. Restrictions can be applied on distance of service. The warrant can be entered into CIB only.

#### Juvenile

This is for a person under 17 years of age who has been declared as delinquent for violation of a state statute or a local ordinance. The warrant can be entered into CIB only or CIB and NCIC.

#### Extradition/Geographic Restrictions

Before entering a record of a wanted person into the NCIC files, the entering agency must attempt to determine, to the maximum extent possible, if extradition will be authorized if the individual is located in another state. If extradition is not authorized, the entry still may be entered into NCIC if the notation 'NOEX' is listed as the first four characters in the remarks field. Entry of such non-extraditable warrants provides notice to law enforcement/criminal justice in other states of the wanted subject's status and provides important officer safety information. This agency

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will not make entries to the NCIC wanted persons file unless the case file includes evidence of communication with the district attorney's office indicating whether or not they will extradite, and what geographical restrictions they place on that extradition.

If a warrant/wanted subject entry is subject to any other geographic restriction, either upon order by the court or other agency policy, such geographic restrictions will be listed on the entry to provide other criminal justice agencies with needed information regarding our agency's intention to retrieve the wanted subject when located. If the geographic restriction is court ordered the restriction must be listed/further explained in the remarks of the entry.

CIB policy allows for the entry of court ordered geographic restrictions. CIB also permits the entry of local ordinance and state law-civil process violations with an agency assigned geographical pickup restriction. Agencies that enter ordinance or civil process warrants but are not willing to travel statewide to pick up the subject based on bond amount or seriousness of the offense, must geographically restrict the entry so agencies that receive a positive response will not detain the person unless they are within the restricted boundaries. Warrants for non-felony state law violations may only be geographically restricted by the court. CIB recommends that agencies establish internal policies regarding agency assigned geographic restrictions.

#### Detainers

The CIB detainer file allows an agency warrant/wanted person record to remain in the CIB database after hit confirmation has occurred, but the arrested subject will not be released to the agency holding the warrant. Detainer information is appended to the already existing warrant/wanted person record. This information may include details of where the subject is being held, how long he will be held, and miscellaneous remarks. There will be times when the conditions of the sentence will change and/or multiple agencies will have warrants for the same subject. When this occurs, the detainer must be modified with each change of sentence and/or place of incarceration.

If detainer information is appended to a record, the agency must maintain documentation of the information listed in the detainer.

The ending date must be a documented date accurately representing the anticipated transfer of the subject by the incarcerating agency to your department. The requirement of the ending date field as mandatory was designed to automatically clear old records by purging them after this date.

If a record containing detainer information is audited during a triennial audit and found to contain an undocumented or inaccurate ending date it will be counted as wrong the same as any other record containing fictitious/undocumented data.

If the subject is not immediately available for pick up and the agency is unable to determine the ending date at the time of entering the detainer information, the next day must be used. If the subject is not transferred today the next earliest date of transfer would be the following date. This will then generate the automatic messages to both the incarcerating agency and the entering agency at approximately 0000 hours of the next day. This allows the incarcerating and entering agency 24 hours to contact each other and determine an accurate ending date.

If the subject is to be held and appear in court on a specific date, that date must be entered.

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If the subject is to serve a specific number of days at the incarcerating agency, the ending sentence date must be entered.

If an accurate date still cannot be determined, the entering agency should then enter the following date and repeat this process again on that date until the individual is in custody or an accurate ending date is determined and entered.

The entry of detainer information is voluntary and not required by the TIME System. The alternative to the use of the detainer data is to cancel the warrant record as soon as the entering agency has been advised that the subject is in custody and being held for their agency.

It is not permissible to leave a warrant record in the TIME System without detainer information if the subject has been arrested on the warrant.

#### Caution Indicator

When an agency lists a subject as a wanted person in the CIB/NCIC databases, they have the option of having their entry bear a notation of 'CAUTION.' This notation should be listed on a warrant/wanted person entry whenever this agency has information that the wanted subject poses a danger to themselves or others. This determination should be made after an examination of all supporting documentation in the case file, to include the original offense the subject is wanted for, past agency dealings with subject, and information listed on criminal history or other files. The reason for the caution indicator must be included in the Remarks Field.

#### Vehicle Information

A vehicle may be entered as part of a wanted person record, provided the location of the vehicle is unknown, and the entering agency has reasonable grounds to believe that the wanted person is operating the vehicle. Mere knowledge or verification with the Department of Transportation that a vehicle is registered to the wanted person does not meet criteria for entry of the vehicle/license plate as part of the wanted person record.

#### **Missing Person File**

A record for a missing person who is over the age of 18 may be entered provided this agency possesses signed documentation from a source outside the department supporting the conditions under which the person is declared missing. This written documentation will aid in the protection of the individual's right to privacy. A record for a missing person who is under the age of 18 may be entered provided a missing person report has been filed with this agency.

Examples are a written statement from a parent/guardian, physician or other authoritative source, statement from a family member, etc. In the absence of documentation from a parent, guardian, next of kin or other authoritative source, including friend or neighbor in unusual circumstances, or when such documentation is not reasonably available, a signed report by the investigating officer will suffice. Entries into this file are based upon the following categories.

#### Categories

#### Disability

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A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger.

#### Endangered

A person of any age who is missing and in the company of another person under circumstances indicating that his/her physical safety is in danger.

#### Involuntary

A person of any age who is missing under circumstances indicating that the disappearance is not voluntary.

#### Juvenile Runaway

A person who is missing, has not been declared emancipated, and is under the age of 18.

#### Disaster/Catastrophe Victim

A person of any age who is missing after a manmade or natural disaster/catastrophe, but not confirmed to be dead. Examples include subjects missing after tornado, explosion, possible drowning, etc.

#### Child Abduction Flag

A child abduction flagging mechanism has been added to missing person entries to facilitate automatic notification to the FBI's National Center for the Analysis of Violent Crimes (NCAVC) and the National Center for Missing and Exploited Children (NCMEC). Use of this automatic alert system may save valuable time in the crucial first 48 hours after a child is abducted.

Upon request, NCAVC provides immediate operational assistance to federal, state, and local law enforcement agencies involved in the investigation of child abduction and serial homicide cases.

NCMEC was established to aid the parents of missing and exploited children. It is a national clearinghouse and resource center for missing and exploited children's issues.

The child abduction flag is to be used when the child is under the age of 18, and there is reasonable indication or suspicion that the child has been abducted and/or is missing under circumstances suggesting foul play or a threat to life. Therefore, the Child Abduction Flag can only be used for the missing person categories of Endangered and Involuntary.

The flag is initiated at the local level when an agency enters a child. In order to immediately notify NCAVC and NCMEC, the terminal operator should enter "CA" in the Child Abduction Field.

For NCIC to work effectively, all entries or records must be packed with as much information as possible. The Remarks Field will assist NCAVC and NCMEC in reviewing cases for immediate attention. Any additional information that will assist law enforcement in identifying special/urgent cases or unusual circumstances should be entered.

The activation of the child abduction flag DOES NOT activate the AMBER Alert System.

#### Caution Indicator

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When an agency lists a subject as a missing person in the CIB/NCIC databases, they have the option of having their entry bear a notation of 'CAUTION.' This notation should be listed on a missing person entry whenever this agency has information that the missing subject poses a danger to themselves or others or the circumstances under which a person disappeared warrant such a designation. This determination should be made after an examination of all supporting documentation in the case file, to include the case reports, past agency dealings with subject and/or suspect, and information listed on criminal history or other files. The reason for the caution indicator must be included in the Remarks Field.

#### Vehicle Information

A vehicle may be entered as part of a missing person record, provided the location of the vehicle is unknown, and the entering agency has reasonable grounds to believe that the missing person is operating or is a passenger in the vehicle. Mere knowledge or verification with the Department of Transportation that a vehicle is registered to the missing person does not meet criteria for entry of the vehicle/license plate as part of the wanted person record.

#### National Child Search Assistance Act

The National Child Search Assistance Act of 1990 requires that agencies verify and update original NCIC missing juvenile entries with any additional information, including medical and dental records, blood type, fingerprint characteristics, jewelry type/description, scars, marks, tattoos and other characteristics fields within 30-60 days of entry.

NCIC will automatically review missing person entries to determine if information is present in the aforementioned fields. If one or more of the fields is missing data, a message (\$K) will be sent via the TIME System to the entering agency. This message should serve as a reminder to make contact with the source of the missing person entry to determine what additional information can be added to the entry. If the entry is updated, the entry will again be searched against other entries.

#### **Unidentified Person File**

The Unidentified Person File is a computerized file that contains records of persons whose identity is unknown. This file is closely associated with the Missing Person File and contains many of the same physical descriptor fields to allow daily, computerized comparisons in an effort to aid in identification. This agency must possess documentation from a source supporting the conditions under which the person/body/body parts have been located. A signed report by the investigating officer will suffice. Entries into this file are based upon the following categories.

#### Categories:

##### Deceased

A person who is no longer living for whom the identity cannot be ascertained. This category also includes recovered body parts when a body has been dismembered.

##### Living

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A person who is living and unable to ascertain his/her identity, e.g., amnesia victim, infant, etc. The information on unidentified living persons should only be included if the person gives his/her consent or if they are physically or mentally unable to give consent.

#### Catastrophe Victim

A person who is a victim of a catastrophe for whom the identity cannot be ascertained or body parts when a body has been dismembered as the result of a catastrophe.

#### **Protection Order/Injunction File (POIF)**

Wisconsin statutes require the clerk of circuit court to send a copy of certain orders and injunctions to the sheriff or other appropriate law enforcement agency within one business day of issuance.

The clerk is further required to provide information concerning the effective period of the injunction and information necessary to identify the respondent. The law enforcement agency is required to enter the information into the TIME System no later than 24 hours after receiving the information from the clerk. Domestic abuse, child abuse and harassment orders and injunctions are required to be reported. The TIME System will allow, optionally, any other order or injunction to be entered when the information serves a legitimate law enforcement purpose.

Because a restraining order or injunction is issued only after a serious situation has come to the attention of the court, it is important that information on injunctions and restraining orders be entered into the TIME System as soon as possible. Wisconsin and federal law prohibit some persons who are affected by an injunction from possessing a firearm.

Entries into this file are based upon the following categories.

#### Categories:

##### Domestic Abuse

Temporary restraining orders or injunctions issued under state statute 813.12. The respondent is prohibited from having firearms under these injunctions.

##### Child Abuse

Temporary restraining orders or injunctions issued under state statute 813.122. The respondent is prohibited from having firearms under these injunctions.

##### Harassment

Temporary restraining orders or injunctions issued under state statute 813.125. The respondent may or may not be prohibited from having firearms under these injunctions.

##### Vulnerable Adult

Temporary restraining orders or injunctions issued under state statute 813.123. "Vulnerable adult" means any person 18 years of age or older who either is a developmentally disabled person or has infirmities of aging, mental illness or other like incapacities and who is substantially mentally incapable of providing for his or her needs for food, shelter, clothing or personal or health care or is unable to report cruel maltreatment without assistance.



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#### Foreign

Temporary restraining orders or injunctions issued by an out-of-jurisdiction court. The respondent may or may not be prohibited from possessing a firearm under these orders. A foreign protection order shall be accorded full faith and credit by the courts in this state and shall be enforced as if the order were an order of a court of this state if the order meets all of the following conditions: the foreign protection order was obtained after providing the person against whom the protection order was sought a reasonable notice and opportunity to be heard sufficient to protect his or her right to due process and the court that issued the order had jurisdiction over the parties and over the subject matter. A copy of any foreign protection order, or of a modification of a foreign protection order that is on file with the circuit court, that is authenticated in accordance with an act of congress, an Indian tribal legislative body or the statutes of another state may be filed in the office of the clerk of circuit court of any county of this state. The clerk shall treat any foreign protection order or modification so filed in the same manner as a judgment of the circuit court.

#### Other

Other types of orders not included in the above categories may be entered. The entering agency must specify the supporting statute that authorizes the issuance of the order.

#### Caution Indicator

When an agency lists a subject in the CIB/NCIC databases, they have the option of having their entry bear a notation of 'CAUTION.' This notation should be listed on an entry whenever this agency has information that the subject poses a danger to themselves or others or the circumstances under which a person disappeared warrant such a designation. This determination should be made after an examination of all supporting documentation in the case file, to include the case reports, past agency dealings with subject and/or suspect, and information listed on criminal history or other files. The reason for the caution indicator must be included in the Remarks Field.

#### Vehicle Information

A vehicle may be entered as part of a person record, provided the location of the vehicle is unknown, and the entering agency has reasonable grounds to believe that the person is operating or is a passenger in the vehicle. Mere knowledge or verification with the Department of Transportation that a vehicle is registered to the person does not meet criteria for entry of the vehicle/license plate as part of the wanted person record.

#### **Violent Gang/Terrorist Organization File (VGTOF)**

The VGTOF provides law enforcement with identifying information about violent criminal gangs and terrorist organizations and the members of such groups. This information may warn law enforcement officers about the potential danger posed by violent individuals, and allow for the exchange of information about these groups and members to aid criminal investigations. The information listed in this file is investigative/intelligence information that has not been subjected to an independent judicial review. Under no circumstances should information from this file be disseminated to non-law enforcement/criminal justice personnel.

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#### Group Reference:

Prior to listing a group as a gang or terrorist organization on the TIME System, an agency must possess documentation showing the group meets one of the below definitions. In addition, if the group has not been previously listed on the CIB/NCIC files, an NCIC code must be assigned to the group. This code is obtained by completion and submission of the appropriate forms to NCIC.

Forms and further details may be obtained from CIB/NCIC.

#### Gang

A gang is an ongoing organization, association or group of three or more persons that have a common interest and/or activity characterized by the commission of or involvement in a pattern of criminal or delinquent conduct.

#### Terrorist Organization

A terrorist organization is an ongoing organization, association or group of three or more persons that is engaged in conduct or a pattern of conduct which involves the use of force or violence for the purpose of intimidation/coercion of a government, civilian population or segment thereof to further political or social objectives.

#### Group Member

Prior to listing an individual as a gang or terrorist organization member in the TIME System, an agency must possess documentation showing the subject meets one of the below definitions.

An individual may be considered a member of a gang or terrorist organization if they have admitted membership in a specific gang or terrorist organization at the time of arrest or incarceration. If the subject does not meet this criterion, they may be considered a member of a gang or terrorist organization if they meet any two of the following criteria:

- They have been identified by an individual of proven reliability as a group member;
- They have been identified by an individual of unknown reliability as a group member and that information has been corroborated in significant respects;
- They have been observed by members of the entering agency to frequent a known group's area, associate with known group members, and/or affect that group's style of dress, hand signals or symbols;
- They have been arrested on more than one occasion with known group members for offenses consistent with group activity;
- They have admitted membership in the identified group at any time other than arrest or incarceration.

#### Caution Indicator

When an agency lists a subject as a gang or terrorist organization member in the NCIC database, they do not have the option of having their entry bear a notation of 'CAUTION.' All individual subjects listed as members will have this notation placed on the record.

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#### **Property Files**

Stolen property may be entered if the owner or custodian of the property has made a theft report and is on file with our department. Some property files have special requirements outlined below.

#### Loaned/Rented/Leased Vehicles

A loaned, rented or leased vehicle or boat that has not been returned may not be entered unless an official police theft report is made of a files complaint results in the issuance of a warrant charging embezzlement, theft, etc.

#### Felony Vehicles

A vehicle used in the commission of a felony/wanted in connection with a felony may be entered immediately providing the whereabouts of the vehicle is unknown. A vehicle does not have to be reported stolen to be listed as a felony vehicle.

#### Stolen/Missing License Plates

A stolen or missing license plates may be entered into the CIB/NCIC database. If only one license plate was taken the plate may only be entered when the remaining plate is removed/destroyed and the complainant/owner obtains new/corrective registration. If the owner/complainant wishes to retain the same license plate number, no entry can be made to the database. Documentation must be maintained detailing what happened to the remaining plate, and the fact that the owner was directed to obtain corrective registration.

#### Recovered Guns

A gun that has been recovered by this department must be queried through the TIME System to determine if it has been listed as stolen. If not, the gun should be entered as a recovered gun, provided it remains in the custody of this department.

#### National Insurance Crime Bureau (NICB)

The National Insurance Crime Bureau maintains a database of vehicle records. This database includes information about manufacturer's shipping and assembly, vehicles imported and exported, thefts, impounds, salvage, auction, pre-inspection, vehicle claim, lien and rental information. In addition to providing access to these files, TIME System users may list vehicles on the NICB impound file. All NICB entries and queries are based upon a vehicle identification number. Prior to making entries to the NICB impound files, an agency must have the vehicle in question in its possession or control.

#### Caution Indicator

When an agency lists property in the CIB/NCIC databases, they may have the option of having their entry bear a notation of 'CAUTION.' This notation should be listed on an entry whenever this agency has information that the subjects in a stolen vehicle/boat are armed and dangerous, or when an agency wishes a recovered stolen item be held for latent fingerprint examination. This determination should be made after an examination of all supporting documentation in the case

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file, to include the case reports, past agency dealings with subject and/or suspect, and information listed on criminal history or other files. The reason for the armed and dangerous caution indicator must be included in the Remarks Field.

#### **347.7 DATA FILES MODIFICATION/SUPPLEMENTATION**

Although data entries may be made with minimum data, it is the policy of this department to enter as much information as is available. If data becomes available at a later date, the record will be modified or supplemented to include the new information. Inquires should be made to the TIME System DOT files, CHRI files, Department of Natural Resources files, etc., the department's in-house computer system and any other existing records to obtain all the data available. Any new information should be retained with the original case file to show where the identifiers/new information was obtained. Any information that cannot be verified will not be included in the data entry.

#### **347.8 DATA FILES CANCELLATIONS**

All entries will be removed as soon as it is learned that the person has been apprehended, found, or is no longer wanted, or the property has been recovered. It is not permissible to wait until the person or property is in this department's possession (even if the arresting jurisdiction is holding the person pending outcome of their charges). The entry must be cancelled as soon as practicable. The only exception to this section is if the CIB wanted person detainer function is utilized. Details of the detainer function may be found in the section of this policy dealing with entry of wanted person records. Once a record has been cancelled, documentation of the cancellation and reason for cancellation will be retained in the case file. The record should be queried again to ensure that it has indeed been removed from the database.

##### **347.8.1 PURGED RECORDS**

Records entered to the CIB/NCIC databases are retained in these files for a specified period of time. When the specified time period has passed, records are purged from the databases. When notice is received a record has been removed from the database the case file will be annotated to reflect this. These records will not normally be re-entered unless there is some investigative value to re-entering the item to extend the retention period. This determination will be made on a case by case basis. Retention periods for the various files are outlined below.

#### **Warrant/Wanted**

Warrants remain on file indefinitely, or until the entering agency cancels the entry with the following exceptions:

##### Temporary Felony

Remain on file 48 hours.

##### Temporary Misdemeanor

Remain on file 72 hours.

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#### Detainer Information

Warrants with detainer information appended will remain on file until the date sentence ends specified by the entering agency. When purged, the warrant record itself, along with detainer information, is removed from the file.

#### **Missing Persons**

Missing person entries remain on file indefinitely, or until the entering agency cancels the entry with the following exception:

##### Juvenile Runaway

Remain on file until the subject has reached the age/date of emancipation.

#### **Protection Orders/Injunctions**

Protection order/injunction file entries remain on file until the specified date of expiration with the following exception:

##### Temporary Restraining Orders

Remain on file as expired for 96 hours after the specified expiration date of the order.

#### **Violent Gang/Terrorist Organization**

##### Organization

Organization entries remain on file indefinitely, or until the entering agency cancels the entry.

##### Member

VGTOF member entries remain on file for five years from date of entry, or are purged on an earlier date specified by the entering agency.

#### **Unidentified Persons**

Unidentified person entries remain on file indefinitely, or until the entering agency cancels the entry.

#### **Vehicles**

##### Stolen Vehicles

If a vehicle identification number or owner applied number is included in the entry, stolen vehicle entries remain on file for four years plus the remainder of the year of entry. If entered with license plate data only, the record will be purged after ninety days.

##### Felony Vehicles

Remain on file ninety days.

##### Stolen/Missing License Plates

Remain on file for one year after the expiration year of the license plate.

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#### **Parts**

Remain on file for four years plus the remainder of the year of entry.

#### **Articles**

Remain on file for one year plus the remainder of the year of entry.

#### **Guns**

##### Stolen Guns

Remain on file indefinitely, or until the entering agency cancels the entry.

##### Recovered Guns

Remain on file for two years plus the remainder of the year of entry.

#### **Boats**

If a boat hull number or owner applied number is included in the entry; stolen boat entries remain on file for four years plus the remainder of the year of entry. If entered with boat registration only the record will be purged after ninety days.

#### **Securities**

Remain on file for four years plus the remainder of the year of entry with the following exception:

#### **Traveler's Checks and Money Orders**

Remain on file for two years plus the remainder of the year of entry.

### **347.9 VALIDATION**

Validation obliges the entering agency to confirm the record is complete, accurate, and still outstanding or active. Validation is accomplished by reviewing the original entry and current supporting documents. Recent consultation with any appropriate complainant, victim, prosecutor, court, motor vehicle registry files, or other appropriate source or individual is also required. In the event the ORI is unsuccessful in its attempts to contact the victim, complainant, etc., the entering authority must make a determination based on the best information and knowledge available whether or not to retain the original entry in the file.

#### **347.9.1 VALIDATION OFFICER**

This department will designate a validation officer. This person will attend CIB Validation/Quality Control training.

#### **347.9.2 VALIDATION SCHEDULE**

Records for validation are selected from the CIB/NCIC databases based upon the month of entry as outlined below. A listing of records requiring validation is then forwarded to this department, along with a certification letter.

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**January** - records entered in October.

**February** - records entered in November.

**March** - records entered in December.

**April** - records entered in January.

**May** - records entered in February.

**June** - records entered in March.

**July** - records entered in April.

**August** - records entered in May.

**September** - records entered in June.

**October** - records entered in July.

**November** - records entered in August.

**December** - records entered in September.

#### 347.9.3 ACCURACY OF RECORDS

The accuracy of records is an integral part of the system. The verification of a record should include assuring all available cross-checking was made and that the data in the record matches the data in the investigative report.

Maintaining accurate files means more apprehensions and recoveries will be made.

It is the duty of the validation officers to ensure the accuracy of the entries into the CIB/NCIC files.

During validation, an examination will be conducted of each record, comparing the entry to the supporting documentation to ensure the entry accurately reflects the information available to the department.

#### 347.9.4 COMPLETENESS OF RECORDS

Complete records include all information that was available on the person or property at the time of entry. The validation process should include a review of whether additional information has become available (missing from the original entry) that could be added. This is accomplished by conducting queries on the person/item through all available databases/information sources (i.e., DOT, CHRI, DNR, departmental records, etc.) and reviewing responses to obtain new or additional information. Stale information will be removed and updated information added. All changes will be documented.

Complete inquiries on persons include numbers that could be indexed in the record; i.e., Social Security, Passport, VIN, License Plates, Driver's License, etc. Inquiries should be made on all names/aliases used by the suspect. Complete vehicle queries include VIN and license plate numbers.

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#### 347.9.5 VALIDITY OF RECORDS

No records entered by this department into the CIB/NCIC files will be retained on such files without verification from the person or office/official responsible for the initial report, or from someone who has assumed responsibility for the record/property (i.e., an insurance company). An entry may remain in the CIB/NCIC database without such verification if this department determines there is some investigative value in maintaining the entry.

During the validation process this department will make contact with the originating party of each record, either by personal contact, letter/memo, or telephone. Contact will be made with the clerk of court and/or district attorney to determine if a warrant is still outstanding. The results of the contact will be documented within the investigative case file to include the date and time of the contact with the results.

#### **National Child Search Assistance Act**

The National Child Search Assistance Act of 1990 requires that agencies verify and update original NCIC missing juvenile entries with any additional information, including medical and dental records, blood type, fingerprint characteristics, jewelry type/description, scars, marks, tattoos and other characteristics fields within 30-60 days of entry.

NCIC will automatically review missing person entries to determine if information is present in the aforementioned fields. If one or more of the fields is missing data, a message (\$K) will be sent via the TIME System to the entering agency. This message should serve as a reminder to make contact with the source of the missing person entry to determine what additional information can be added to the entry. If the entry is updated, the entry will again be searched against other entries. During validation this department will ensure follow-up is conducted on missing person reports to determine if the subject is still missing, and attempt to obtain any missing information that would assist in identifying the missing person if found.

#### **Stolen License Plates**

Stolen license plates will only be retained in the database if a check of registration status indicates the plate was cancelled or otherwise not currently in use. If a registration check shows current registration, the entry will be cancelled.

#### 347.9.6 CERTIFICATION LETTER

Records for validation are selected from the CIB/NCIC databases based upon the month of entry. A listing of records requiring validation is then forwarded to this department, along with a certification letter that provides a date by which this department must return the letter to CIB. Due to the limited time which the CIB has to validate these files with NCIC, IF THE CERTIFICATION LETTER IS NOT RECEIVED BY THE DATE INDICATED, CIB HAS NO ALTERNATIVE BUT TO PURGE ALL THE RECORDS FOR THAT MONTH. Prior to returning the letter to CIB, it must be signed by an authorized representative of this department, acknowledging that all inactive records have been cancelled; all incorrect records have been modified; and presently all records on the computerized data files entered by this agency are correct and accurate. The validation



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officer is responsible for ensuring validation is completed within the applicable period, and that the validation certification letter is signed and returned to CIB by the specified due date.

#### 347.9.7 ADVISORY MESSAGES

All quality control and other advisory (\$) messages shall be reviewed by a validation officer in a timely fashion. These messages include, but are not limited to, the following.

##### **Quality Control Notice/Serious Error (\$E)**

When errors are identified in entries to the CIB/NCIC files, the entering agency is advised of the error through receipt of a \$E Serious Error Notification from NCIC or a Quality Control Notice from CIB. Both advise of a significant error in a specific entry. NCIC Serious Error Notifications indicate the erroneous record has been removed from the file, whereas a CIB Quality Control Notice generally advises the agency of the error and provides a deadline for correcting it. The receipt of such a message by this department will cause the error to be corrected and the record to be re-entered, as necessary. If correct information is not readily located in the case file, the case will be forwarded to a supervisor to be assigned to a department member for follow-up investigation to attempt to locate correct information for entry to the database.

##### **Locate (\$L)**

The purpose of a locate message is to indicate (until the originating agency cancels the record) that the wanted person has been apprehended or stolen property has been located. If the ORI fails to cancel the NCIC record, the Locate will purge it within two weeks of placement. In the missing person file, a locate message indicates the whereabouts of the missing person has been determined and immediately purges the record from the file. If a CIB record is being located, TSCC will contact the ORI and explain why the locate is being placed against the record. TSCC will advise the ORI that they have approximately TWO hours to cancel the record. If the ORI fails to cancel the record within the time allotted, TSCC will cancel the record. This message is placed against a record that remains active in the system after hit confirmation has taken place. The locate message includes the date and time the person or property was located, as well as the name of the locating agency. If a record of this department is subject to a locate, the record will be immediately fixed or cancelled, as appropriate.

##### **No Match (\$N)**

A message is sent to the ORI initiating an entry/modification transaction that results in no potential matches during the missing/unidentified person comparison. If such a message is received it will be retained in the case file and the investigating officer notified.

##### **Possible Match (\$M)**

A message is sent to the ORI initiating an entry/modification transaction that results in potentially positive hits during a comparison of the missing/unidentified person files. It is also sent to the ORI(s) of record for the possible matches from the comparison. Upon receipt of such a message, the inquiring agency must review all of the information in the candidate record(s) and contact the agency(s) that entered the record(s) to confirm possible matches.

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If a possible match message is received regarding one of the department's records the investigating officer of the case will be notified as soon as practicable. In addition, the terminal operator will query the possibly matching record on the system to receive a complete printout. The terminal operator will also make contact with the entering agency of the possibly matching record, either by telephone or via administrative message, advising them of the receipt of the possible match notice and to obtain contact information for the investigating officer responsible for the possibly matching record. All information obtained will be forwarded to the investigating officer.

#### **Incomplete Missing Person (\$K)**

NCIC will automatically review missing person entries to determine if information is present in the aforementioned fields. If one or more of the fields is missing data, a message (\$K) will be sent via the TIME System to the entering agency. This message should serve as a reminder to make contact with the source of the missing person entry to determine what additional information can be added to the entry. If the entry is updated, the entry will again be searched against other entries.

Upon receipt of a \$K message, it will be forwarded to the investigating officer of the case, along with a request he/she attempt to obtain the missing information and forward it to the appropriate personnel for entry into the system.

#### **Emancipated Juvenile (\$J)**

This message is sent to the ORI of a wanted juvenile record when the individual of the record reaches the age of emancipation. The message may be generated by NCIC or CIB. Upon receipt of this message the validation officer will make contact with the city attorney, district attorney, or court to ascertain whether the warrant should remain on the system, be cancelled, or be reissued charging the subject as an adult.

#### **Purge (\$P)**

This message is sent to the entering agency when a record has been retired because it has reached the end of its retention period. This message may be generated by NCIC or by CIB, and may be sent to the entering agency via the TIME System or US Mail. Upon receipt of the annual purge listing of articles, vehicles and parts, the case file should be annotated to show that the record has been purged from the computer files.

#### **Hits to Wants**

When a wanted person file entry contains an FBI number, the same wanted information is posted in the subject's FBI III criminal history record. If the FBI receives subsequent arrest fingerprints that are identified with the criminal history record, the NCIC System sends an automatic notification message, referred to as a hits-to-wants message, to the wanting agency to inform them that the wanted person has been arrested. The validation officer should investigate to determine if the wanted subject remains in custody of the agency submitting fingerprints, or if not, attempt to obtain from that agency further descriptive and location information for the subject which may be included in the TIME System entry or used for apprehension of the wanted person.

#### **Delayed Hit (\$H)**

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A message is sent to the ORI entering or modifying a record, which resulted in a hit response for an inquiry made within the last five days. A message is also sent to the ORI of an inquiry transaction when a hit response is generated because of a subsequent entry or modification transaction. The inquiring agency will potentially receive hit responses for five days after the initial inquiry was made.

Upon receipt of a delayed hit message indicating this department was the inquiring agency, the validation officer will make a reasonable effort to ascertain what terminal/officer initiated the query.

The validation officer will also query the possibly wanted subject/vehicle to attempt to ascertain if the subject/vehicle is still wanted. If the entry is still active, and the validation officer is able to ascertain who initiated the query, the validation officer will advise a supervisor of the information.

The information will then be forwarded to the initially inquiring officer and/or presented to all staff in an attempt to locate the subject/vehicle.

#### **Gang (\$G)**

When an originating agency no longer has an interest in a violent gang/terrorist organization record or the record (interest) has been entered in error, the originating agency may cancel the record. If the "oldest" agency (primary ORI) cancels the record, that agency's ORI and POC are removed. If there are no other agencies associated to the record, the entire record is canceled. If there are other agencies associated to the record, ownership of the record is transferred to the next "oldest" agency which then becomes the primary ORI. Cancellation by any agency other than the primary ORI simply removes that agency's ORI and POC from the record. If a message is received advising that this agency is now the primary ORI responsible for a gang/terrorist organization record it will be forwarded to a supervisor.

#### **Duplicate Vehicle (\$D)**

When a vehicle locate, clear, or cancel transaction is processed by NCIC and there are duplicate records on file, (VIN and VMA or LIC, LIS, LIT and LIY exactly match) a message is sent to the owner(s) of the duplicate record(s). If such a message is received, the terminal operator will query the possible duplicate record and forward the message and a copy of the possible duplicate record to the investigating officer for the case.

#### **Detainer**

The CIB detainer file allows an agency warrant/wanted person record to remain in the CIB database after hit confirmation has occurred, but the arrested subject will not be released to the agency holding the warrant. Detainer information is appended to the already existing warrant/wanted person record. This information may include details of where the subject is being held, how long he will be held, and miscellaneous remarks.

This will then generate the automatic messages to both the incarcerating agency and the entering agency at approximately 0000 hours of the next day. This allows the incarcerating and entering agency 24 hours to contact each other and determine an accurate ending date. If the subject is in custody at this department, staff will attempt to ascertain a sentence ending date for the

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subject and supply that to the wanting agency. If the subject is in custody elsewhere, the terminal operator should contact the holding agency and attempt to determine when the subject will be made available to this agency. Either of these two activities may require the information/message to be passed on to a supervisor to attempt to obtain the needed information, or may require the matter be turned over to an oncoming shift to attempt contact with the appropriate parties during regular business hours.

#### **Incarcerating Agency (\$O)**

NCIC has created the ability for law enforcement agencies to enter detainer information to an NCIC wanted person record, after a positive hit confirmation response has been received. In Wisconsin there is no ability for an agency to enter this data. However, a detainer in NCIC may generate a \$O Incarcerating Agency Notification to a Wisconsin agency. This message provides formal notification via the TIME System that an NCIC detainer has been filed. This message will be forwarded to appropriate personnel and retained in the detained subject's file to ensure staff is aware of the fact another agency wishes to take custody of the subject.

#### **NCIC Hot Check**

The hot check initiative is the automatic name-based search of specific NCIC files that occurs for all IAFIS ten-print submissions. **The hot check includes for each IAFIS criminal and civil ten-print submission, the interstate identification index segment of IAFIS will send one inquiry request to NCIC searching the Wanted Person File and the Violent Gang and Terrorist Organization File.** After the search is completed, an administrative message will be sent to the owner of the NCIC record containing possible hits for the subject of the submitted fingerprint card.

These searches are based on name only and not fingerprint comparison. The validation officer should investigate to determine if the subject of the record is the subject fingerprinted and take appropriate action if it is.

#### **347.10 ADMINISTRATIVE MESSAGES**

An administrative message is a point-to-point free form message. This criminal justice related message may be asking for information or assistance, or it may be in response to a request from another agency. It is differentiated from other messages in that it is free form and may be used for practically any type of information transmission not associated with a specific message type.

If the administrative message includes information that is related to officer safety (i.e., armed and dangerous), this phrase should be placed at the front of the message on its own line to highlight it. Administrative messages may be routed terminal to terminal, terminal to multiple terminals, or terminal to area.

##### **347.10.1 PROHIBITED ADMINISTRATIVE MESSAGES**

To ensure the system remains dedicated to transmitting essential law enforcement/criminal justice information, the following types of **administrative messages** are **PROHIBITED**:

*-Announcements of social affairs, retirement parties, labor-management affairs and seasonal goodwill messages such as Christmas/New Year's greetings.*

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- Messages supportive of or in opposition to political issues, including announcements of meetings relating to such issues.*
- Messages supportive of or in opposition to labor-management issues, including announcements of meetings relating to the same.*
- Messages supportive of or in opposition to legislative bills.*
- Messages related to the advertising of equipment for sale.*
- No recruitment of personnel (job opening/interviews).*
- No excessively long messages.*
- No messages relating to requests for information concerning salary, uniforms, personnel, or related items that can be routinely obtained by correspondence or means other than the TIME System.*
- No messages regarding wanted subjects or vehicles if they can be entered into NCIC.*
- No solicitation of funds.*
- No NLETS training messages that include the name of a company that is providing the training unless the company is not-for-profit and is providing a direct service. Training announcements may be sent via Regional broadcast codes to states in geographic proximity of the sender only.*
- Messages not relating to official or authorized business.*

#### 347.10.2 ALL POINTS BROADCASTS (APBDS)

The restrictions listed have been adopted for APBs (sometimes referred to as state-wide broadcasts). Recognizing that there may be circumstances where the seriousness of the situation overrides the normal policy prohibitions, the restrictions may be waived under the following conditions:

- A user has information that is pertinent to a criminal investigation that is of interest to all states and cannot be entered into NCIC.*
- A user has information regarding kidnapping, skyjacking or other serious criminal acts. Keep messages as brief as possible.*
- A user has information on a wanted person that cannot be entered into NCIC but is of interest to all states.*

If there is information in the APBD request that qualifies for entry into any of the data files, the APBD will not be approved until the applicable data has been entered into CIB/NCIC.

All requests for nationwide or statewide APBDs MUST be directed to the TIME System Control Center (TSCC) and must be of significant importance to law enforcement. If your agency needs to request a broadcast in a specific state, send a message to that state's control terminal. An attempt to locate in Canada or Canada-wide broadcast request must be sent to INTERPOL in Washington,

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D.C. (DCINTER). If an out-of-state agency contacts your agency requesting a broadcast, refer them to TSCC.

The following APBD regulations will be used to evaluate requests for all points broadcasts.

Requests for APBD's (state and/or nationwide) will be approved if the message falls within one of the following categories:

#### *Death/Aggravated Battery to Law Enforcement with Suspect at Large*

Adequate physical description of suspect and/or vehicle is required. "Adequate" means enough information to recognize the person or vehicle if seen.

#### *Felonies Involving Armed/Believed to be Armed Fugitive(s)*

Adequate physical description of the fugitive and/or vehicle is required.

#### *Escapees From Custody*

This includes all escapees from: officer custody, city and county jails, prisons, detention homes/centers, work camps and juvenile facilities.

### **Death Notices of Actively/Formerly Employed Law Enforcement Officials**

In-state APBD's may also include public safety officials.

### **Attempts to Locate (ATL's)**

When foul play is suspected or known and is so specified. Adequate physical description of the person and/or vehicle is required. For death or serious illness message delivery only if the direction of travel is unknown. If the direction of travel is known, the requesting agency must send messages to the specific agencies along the route of travel (an AREA/HIGHWAY broadcast may be used under appropriate circumstances).

### **Found Unidentified Bodies or Body Parts**

### **Information That Has State/Nationwide Law Enforcement Significance**

This may be a description of the method of operation (MO) requesting information from similar cases; or alerting other agencies of same, or a request for information on a person in custody refusing to cooperate by not giving name, etc. The requesting agency can ask for assistance based on the description of the person and circumstances surrounding the case. If the request concerns stolen property that cannot be entered into CIB/NCIC, the list of property items must have state or nationwide significance and be condensed into no more than 15 lines of text. Give general descriptions without listing all of the quantities. Any information that cannot be entered into CIB/NCIC and is pertinent to a criminal investigation that would be of interest to state or nationwide law enforcement agencies.

### **347.10.3 AREA/HIGHWAY BROADCASTS**

The same categories and rules are to be used when considering an **AREA/HIGHWAY** broadcast; the difference being that the information in the message pertains to a specific area of the state

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rather than having state or nationwide significance. The area broadcast can be sent by an individual agency, it is not to be requested through TSCC.

#### **347.10.4 TRAINING BROADCASTS**

All announcements of training being hosted or sponsored by the originating agency must be sent to the broadcast area "TRNG". An agency may transmit up to three training announcements for each training session to be held. The receipt of "TRNG" training broadcasts is entirely voluntary.

Your TIME Agency Coordinator (TAC) can request to have terminals added or removed from the "TRNG" broadcast group. Agencies utilizing training broadcasts should closely monitor its use and compliance with this new policy in an effort to make the most efficient use of this valuable resource.

#### **347.11 HIT CONFIRMATION**

A TIME System hit will generally provide reasonable suspicion for a stop so long as the information given resulting in the hit was reasonably accurate (i.e., the officer read the license plate or serial number correctly). When an officer checks with the dispatcher to evaluate all available descriptors from the hit against the person/property stopped and it appears reasonable that there is a potential match, the officer may detain the person/property for a reasonable amount of time while hit confirmation takes place. A TIME System hit may not, in and of itself, be probable cause to arrest a person or seize property. It is one fact that must be added by the officer in arriving at sufficient legal grounds for arrest or seizure of property. The older the hit entry and the less descriptive the information available, the more independent facts the officer must develop to establish probable cause. To aid in the officer's decision, hit confirmation must take place prior to effecting an arrest/seizing property.

Confirming a hit means to contact the agency that entered the record to ensure that the person or property inquired upon is identical to the person or property identified in the record, ensure that the warrant, missing person report, protection order or theft report is still outstanding, and obtain a decision regarding the extradition of a wanted person when applicable, information regarding the return of the missing person to the appropriate authorities, information on the conditions of a protection order or information regarding the return of stolen property to its rightful owner.

##### **347.11.1 HIT CONFIRMATION LEVELS**

There are two levels of priority when requesting to responding to a hit confirmation.

#### **Urgent**

An agency must respond to the requesting agency within ten minutes advising either the status of the validity of the entry and other information pertaining to the case or advising the amount of time it will take to respond to the request with the needed information. This priority should be used where the hit is the only basis for detaining a suspect, or the nature of the case requires urgent confirmation

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#### **Routine**

An agency must respond to the requesting agency within one hour advising either the status of the validity of the entry and other information pertaining to the case or advising the amount of time it will take to respond to the request with the needed information. Generally this is used when the person or property is being held on local charges and urgent confirmation is not needed

#### **347.11.2 HIT CONFIRMATION REQUEST STEPS**

##### **Check the computer results with the original query**

Compare the hit received with the original information queried upon. Ensure you are within any geographic restrictions listed on the warrant entry. Ensure subject or item is in custody. No hit confirmation message should be sent when a record contains a geographic/extradition limitation and the person is outside the restriction indicated. An administrative message may be sent to the entering agency to advise them of the location of the person as an investigative update/courtesy, but be sure to indicate the subject is not being held due to the restriction on the record.

##### **Check with the requesting person for additional information**

Additional information may clarify the hit. Relay to the requesting person all identifying information such as height, weight, hair color, eye color, scars/marks/tattoos, etc.

##### **Check with the ORI to verify the record**

When it is believed to be a valid hit and the department is able to arrest the wanted person or recover the stolen property, confirm with the entering ORI that the entry is valid, and obtain any further identifying information or information about the case that would be useful to the investigating officer. Send the appropriate TIME System message requesting confirmation. Hit confirmation should be done using the appropriately formatted screens. Hit confirmation may not be done using administrative message formats. If no response is received within the designated time period, a second request may be sent. A follow-up phone call to the entering agency is recommended.

##### **Obtain hard copy documentation**

Obtain hard copy documentation from the entering ORI on the results of the hit confirmation request and disposition of the person/item. This provides proof of the information that was used to make the decision to arrest/seize property.

##### **Query all identifiable data not queried originally.**

Additional identifiers may be discovered during the hit confirmation/arrest process. Querying these identifiers may result in other hits being discovered for the person/property.

#### **347.11.3 HIT CONFIRMATION RESPONSES**

If an agency maintains entries into the data files of CIB/NCIC, they are required to ensure hit confirmation is available 24 hours a day. When a request for hit confirmation is received, this department will respond within the specified time period. Remember, this response does not



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necessarily need to confirm the hit, but must at least acknowledge the hit request and provide an approximation of the amount of time it will take to confirm the hit. The operator receiving the hit request should retrieve the case file involved and check the file to ensure the entry is valid. The operator should make sure the requesting agency is within any geographic/extradition restrictions specified. If the entry is valid and the requesting agency is within the specified limits, the operator should advise the requesting agency of the validity of the hit and request information of the holding agency as to the disposal/retrieval of the person/property. Once the hit has been confirmed and the requesting agency advises they have the person/property in custody, the original entry should be cancelled. It is not permissible to wait until the person or property is in this agency's custody before canceling the record. The only exception to this process would be the use of the detainer in regards to the wanted person file.